

FROM <b>Frank Harscher</b>			CONTROL NO. <b>4A-10-54</b>
SUBJECT AND DATE <b>10/18</b> <i>Valley of the Drums</i> <b>Request for reconsideration regarding funding of A.L. Taylor site under CWA.</b>			DATE REC'D <b>10/24</b>
			DUE DATE <b>11/8</b>
REFERRED (1) <b>Harvey</b> <b>Mr. <del>WHITE</del></b>	(2) <i>Smith</i>	(3) <b>Mr. Harvey</b>	(4) <b>Mr. White</b>
DATE <b>10/25</b>		<b>10/26/79</b>	<i>mailed 10/31</i>
REPLY SENT TO <i>Before the situation</i>			DATE RELEASED <i>4:20 PM</i>
REMARKS  <b>Please prepare reply for RA's signature. Route reply thru Diane White. Thanks</b>  <i>only 1</i>  <i>PHS 10/25</i>			ACKNOWLEDGED - DATE  <input type="checkbox"/> NO A  <input type="checkbox"/> (Explain in remarks)

OCT 31 1979

REF: 4E-EE

Mr. C. Frank Harscher, III  
 Secretary  
 Commonwealth of Kentucky  
 Department for Natural Resources and  
 Environmental Protection  
 Office of the Secretary  
 Frankfort, Kentucky 40601

Dear Mr. Harscher:

Thank you for your letter dated October 18, 1979, expressing your concern about the emergency treatment system in the "Valley of the Drums." Accordingly, I have discussed this matter with Mr. Smith and others on our staff. Mr. Smith's letter to Mr. Arnett on September 7 was stating our intent to terminate the Environmental Protection Agency's (EPA's) and the United States Coast Guard's involvement as an emergency under Section 311 of the Clean Water Act, only. This terminating event was discussed here in Atlanta by members of your staff early in the summer; actually, it was a planned happening throughout the emergency phase of the problem. Later, Mr. Smith spoke with Mr. Dan Dolan of your staff who indicated that state funds probably could be made available to simply maintain the system but that he had to have the correct dates of EPA's termination.

The only way Section 311(k) funds could be reinstituted in the "Valley of the Drums" at this time would be for you to notify us that there was an "imminent and substantial threat that hazardous substances could reach the waters of the United States in quantities harmful to public health and welfare," or if we had another spill episode.

Frank, at this point, Federal funds have been used to establish the system, completely recharge it twice, install drainage and re-excavate influent ditches at a cost exceeding \$300,000. These

## CONCURRENCES

SYMBOL	4E-EE						
SURNAME	Smith <i>MS</i>						
DATE	10/26/79						

measures were taken such that only minimum expenditures for maintenance by the State would protect the area from residual contaminants that may be "washed" from the area. The emergency funds available to us under Section 311(k) can only be expended for the emergency phase, i.e., spilling, of a hazardous waste site episode.

As to your question about the hardware of the existing treatment system, Al Smith who was the Federal On-Scene Coordinator has made a determination - and the United States Coast Guard, Second District, has concurred - that the metal dumpsters, pumping and piping appurtenances, and the various treatment process material should be given to the state to facilitate the state's ability to maintain the treatment system for whatever useable life is reasonable. Consequently, this letter will serve as issuing title of said equipment to the Commonwealth of Kentucky.

Sincerely yours,

/s/ John A. Little  
Deputy Regional Administrator

John C. White  
Regional Administrator

cc: United States Coast Guard  
Second District

AlJSmith/fs/10-26-79/3931



C. FRANK HARSCHER, III  
SECRETARY



JULIAN M. CARROLL  
GOVERNOR

COMMONWEALTH OF KENTUCKY  
DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
OFFICE OF THE SECRETARY  
FRANKFORT, KENTUCKY 40601  
TELEPHONE (502) 564-3350

October 18, 1979

Mr. John C. White  
Regional Administrator  
U.S. Environmental Protection Agency  
Region IV  
345 Courtland Street, NE  
Atlanta, Georgia 30308

Dear Mr. White:

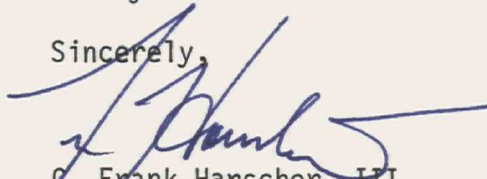
Mr. Larry Arnett, Coordinator, Special Investigations and Emergency Response, recently received a letter from Mr. Al Smith, Federal On-Seen-Coordinator of Region IV, advising this Department that effective November 1, the water treatment system at the A. L. Taylor disposal site would no longer be funded under the Clean Water Act. The purpose of this letter is to request that U.S. EPA and the Coast Guard reconsider that decision.

As you are aware, this Department is currently drafting a plan to address clean-up of that site. In the meantime, however, approximately five thousand (5,000) drums of material remain on the surface of the site and an undetermined amount of waste lies buried. With heavy Fall and Winter precipitation we can expect a continued need for this treatment system to assure that discharges of contaminants to Wilson Creek are prevented or kept within minimal acceptable limits. It appears unlikely that the property owner will accept a financial responsibility for maintaining the treatment system. As I have advised you in the past, this Department has no funds authorized for the operation or maintenance of treatment systems or for specific clean-up of illegal disposal sites. We are approaching a legislative session and both the Department and the Governor's Commission on Hazardous Waste are considering legislative proposals which may address this matter. Never-the-less no specific legislative authority or funding could be expected before Spring.

A second matter which is not entirely clear to me, is the continued ownership of the treatment system at the site beyond November 1, 1979. It is my general understanding that neither EPA, nor the Coast Guard intends to retain any property interest beyond that date. Assuming that is correct, the system would become abandoned and thus the property either of the Commonwealth of Kentucky or Mrs. A. L. Taylor as property owner. If this assumption is incorrect, please notify me immediately.

I look forward to your favorable reconsideration of the funding operation and maintenance costs of the treatment system.

Sincerely,



C. Frank Harscher, III  
Secretary

cc: Gene Satterly  
Jack A. Wilson  
J. Rick Jones



REF: 4E-EE

September 7, 1979

Mr. Larry Arnett  
Department of Emergency Services  
Frankfort, Kentucky

Dear Mr. Arnett:

This letter is to advise you, effective November 1, 1979, that the treatment system at the "Valley of the Drums" will no longer be funded by Section 311(k) of the 1977 Clean Water Act. The On-Scene-Coordinator and the U. S. Coast Guard have determined that the pollution incident no longer poses an "imminent and substantial threat" to the waters of the United States. Numerous forms of aquatic life have been observed in the dsedimentation basin, therefore it is concluded that the previous toxic conditions have been abated and the spill incident is ended.

If the State of Kentucky anticipates continuing operation of the treatment system, then arrangements should be made before November 1st, with the local power company to continue services, as all power service paid for by the U.S. Government will cease as of November 1, 1979.

This action is consistant with our previous discussions with State representatives both in Atlanta and On-Scene in Sheppardsville.

Sincerely,

AL J. SMITH  
Federal On-Scene-Coordinator

AJSMITH:LFGLASS:9/7/79:X3931

EUGENE F. MOONEY  
Secretary



JULIAN M. CARROLL  
Governor

COMMONWEALTH OF KENTUCKY  
DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL PROTECTION  
DIVISION OF HAZARDOUS MATERIAL AND WASTE MANAGEMENT

PINE HILL PLAZA  
1121 LOUISVILLE ROAD  
FRANKFORT, KENTUCKY 40601

October 23, 1979

Louisville Gas and Electric Company  
P.O. Box 3200  
Louisville, Kentucky 40232

Attention: Mr. Hoskins

Gentlemen:

As indicated on a copy of the attached letter from Mr. Al J. Smith of the Federal Environmental Protection Agency to Mr. Larry Arnett of the Department of Emergency Services; the Environmental Protection Agency will cease to pay for all services at the Valley of the Drums site as of November 1, 1979. The Valley of the Drums located at 1211 Letts Lane, Brooks, Bullitt County and is currently provided with electrical services by Louisville Gas and Electric. The account number for that service is 18604690915.

This is to request that effective November 1, 1979 this service be billed to:

Kentucky Department for Natural Resources  
and Environmental Protection  
Division of Hazardous Material and  
Waste Management  
1121 Louisville Road  
Frankfort, Kentucky 40601  
ATTENTION: Charles D. Collier

Thank you in advance for your cooperation in this matter. If you need to contact me or require any further information I am available at 502-564-6716 between the hours of 8:00a.m. and 4:30p.m.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles D. Collier".  
Charles D. Collier, Chief  
Budget and Finance Coordination

CDC:tam

cc Larry Arnett  
Robert Koentop

Attachments

REF: 4E-EE

RECEIVED

September 7, 1979

SEP 21 1979

Mr. Larry Arnett  
Department of Emergency Services  
Frankfort, Kentucky

U. S. ENVIRONMENTAL  
AND WASTE MANAGEMENT

Dear Mr. Arnett:

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Sincerely,

AL J. SMITH  
Federal On-Scene-Coordinator

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